

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 3, 4, 6 and 9-15 are pending in the present application. Claim 6 has been amended to address cosmetic matters of form. No new matter has been added.

By way of summary, the Official Action presented the following issues: Claim 6 stands rejected under 35 U.S.C. § 112, second paragraph; Claims 3, 4, 6, 9 and 11-15 stand rejected under 35 U.S.C. § 102 as being anticipated by Kobayashi et al. (U.S. Patent Application Publication No. US 2004/0042363, hereinafter “Kobayashi”); and Claim 10 stand rejected under 35 U.S.C. § 103 as being unpatentable over Kobayashi.

REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

The Official Action has rejected Claim 6 under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. Applicants respectfully traverse the rejection.

The Official Action notes that Claim 6 does not recite a step which delineates “what happens if the hardware identification information does represent the medium identification information.” In this regard, Applicants submit that Claim 6 need not recite every possible result of the claimed process. Simply stated, Claim 6 is definite. The fact that further alternative processes may exist, or may be claimed further in the dependent claims, does not render Claim 6 indefinite. As such, Applicants submit that the scope of Claim 6 is sufficiently definite.

With regard to the recitation “hardware identification information”, Applicants have amended Claim 6 to obviate this antecedent basis informality.

REJECTION UDNER 35 U.S.C. § 102

The Official Action has rejected Claims 3, 4, 6, 9 and 11-15 under 35 U.S.C. § 102 as being anticipated by Kobayashi. The Official Action contends that Kobayashi describes all the Applicants' claimed features. Applicants respectfully traverse the rejection.

Applicants' Claim 3 recites, *inter alia*, a data recording medium, including:

a medium identification information unique to the data recording medium recorded thereon;

a plurality of programs recorded on the data recording medium, wherein the medium identification information includes information with which one of the plurality of programs is designated; and

a starting program, recorded on the data recording medium, configured to cause a program of the plurality of programs, designated by the medium identification information, to automatically execute. (emphasis added)

Kobayashi describes a recording/reproducing device (1) for recording and reading data from/to various kinds of optical discs. The types of optical discs include CD-R, CD-DA, and CD-RW.<sup>1</sup> As shown in Figure 2, the optical disc includes record data Dd and management data Dx which are read from the disc by the reproducing device (1). The disc may also include authentication program data Dps. A data recording/reading section (3) of the device (1) accesses an optical disc to thereby write and read record data Dd, authentication program data Dps, and management data Dx. A control section (5) of the device (1) controls the recording and reading of record data Dd.<sup>2</sup> More specifically, the control section (5) executes a predetermined authentication process according to an authentication program. The EEPROM program (6) stores the authentication program data Dp the authentication program data Dp is recorded in a file format readable by the device (1) and personal computers PC. In this way, the authentication program data can be automatically started by the

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<sup>1</sup> See Kobayashi paragraph 30.

<sup>2</sup> Kobayashi at paragraph 32.

various personal computers PC and is provided as an executable file such as

AUTORUN. EXE.<sup>3</sup>

Conversely, in an exemplary embodiment of the Applicants' claimed advancements, the data recording medium is provided which medium identification information unique to the recording medium is recorded thereon. A plurality of programs are recorded on the data recording medium. The medium identification information includes information with which one of the plurality of the programs is designated. A starting program is also recorded on the data recording medium and is configured to cause a program of plurality of programs, designated by the medium identification information, to automatically execute.

As can be appreciated, from the discussion of the above, Kobayashi merely describes the provision of specification data to a recording medium such that upon accessing the specification data from the recording medium, a determination program of the reproducing apparatus may be utilized to determine whether or not the reproducing device may access data from a specific type of the recording medium. As such, Kobayashi does not describe or suggest a recording medium including identification information for designating one of the plurality of programs recorded to the medium. Likewise, Kobayashi does not describe a starting program recorded on the data recording medium which causes a program of the plurality of programs, designated by the medium identification information, to automatically execute.

Accordingly, Applicants respectfully request that the rejection of Claims 3, 4, 6, 9 and 11-15 under 35 U.S.C. § 102 be withdrawn.

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<sup>3</sup> See Kobayashi at paragraph 32.

REJECTION UNDER 35 U.S.C. § 103

The Official Action has rejected Claims 10 under 35 U.S.C. § 103 as being unpatentable over Kobayashi. The Official Action contends that Kobayashi describes all of the Applicants' claimed features with the exception of one of the plurality of programs as being user manual. However, the Official Action states that it would have been obvious to one of ordinary skill in the art at the time the advancement was made to include the user manual as a part of the programs on the disc. Applicants respectfully traverse the rejection.

As noted above, Kobayashi does not describe all of the features of the Applicants' claims for which it has been asserted. As such, a *prima facie* case of obviousness has not been presented.

Accordingly, Applicants respectfully request that the rejection of Claim 10 under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present Application, including Claims 3, 4, 6 and 9-15 is patently distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

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